

**Administrative Special Permit Application
Planning and Zoning Division
Development Services Department**

TOWN OF DAVIE USE ONLY

Petition Number: _____

Initial Fee: _____

Receipt Number: _____

Submittal Date: _____

Received By: _____

Folio Number: _____

Property Address: _____

Subdivision Name: _____

Future Land Use: _____

Zoning: _____

Request (Land Development Code Section): _____

Petitioner: _____

Mailing Address: _____

Telephone: _____

Fax: _____

Relationship to the property: _____

Owner: _____

Mailing Address: _____

Telephone: _____

Fax: _____

I hereby certify that I am the owner of the described property, I have authorized the filing of the aforesaid request, and I understand that I or my authorized agent must be present at the public hearing to present the request to the Board.

OWNER'S NAME(S) (PRINT)

PETITIONER'S NAME (PRINT)

OWNER'S SIGNATURE (ALL OWNERS
MUST SIGN)

PETITIONER'S SIGNATURE

ADDRESS

ADDRESS

CITY, STATE, ZIP CODE

CITY, STATE, ZIP CODE

TELEPHONE

TELEPHONE

The foregoing instrument was acknowledged

The foregoing instrument was acknowledged

before me this _____ day of _____,

before me this _____ day of _____,

20____, by _____

20____, by _____

who is personally known to me or has produced

who is personally known to me or has produced

as identification and who did take an oath.

as identification and who did take an oath.

NOTARY PUBLIC:

NOTARY PUBLIC:

SIGN: _____

SIGN: _____

PRINT: _____

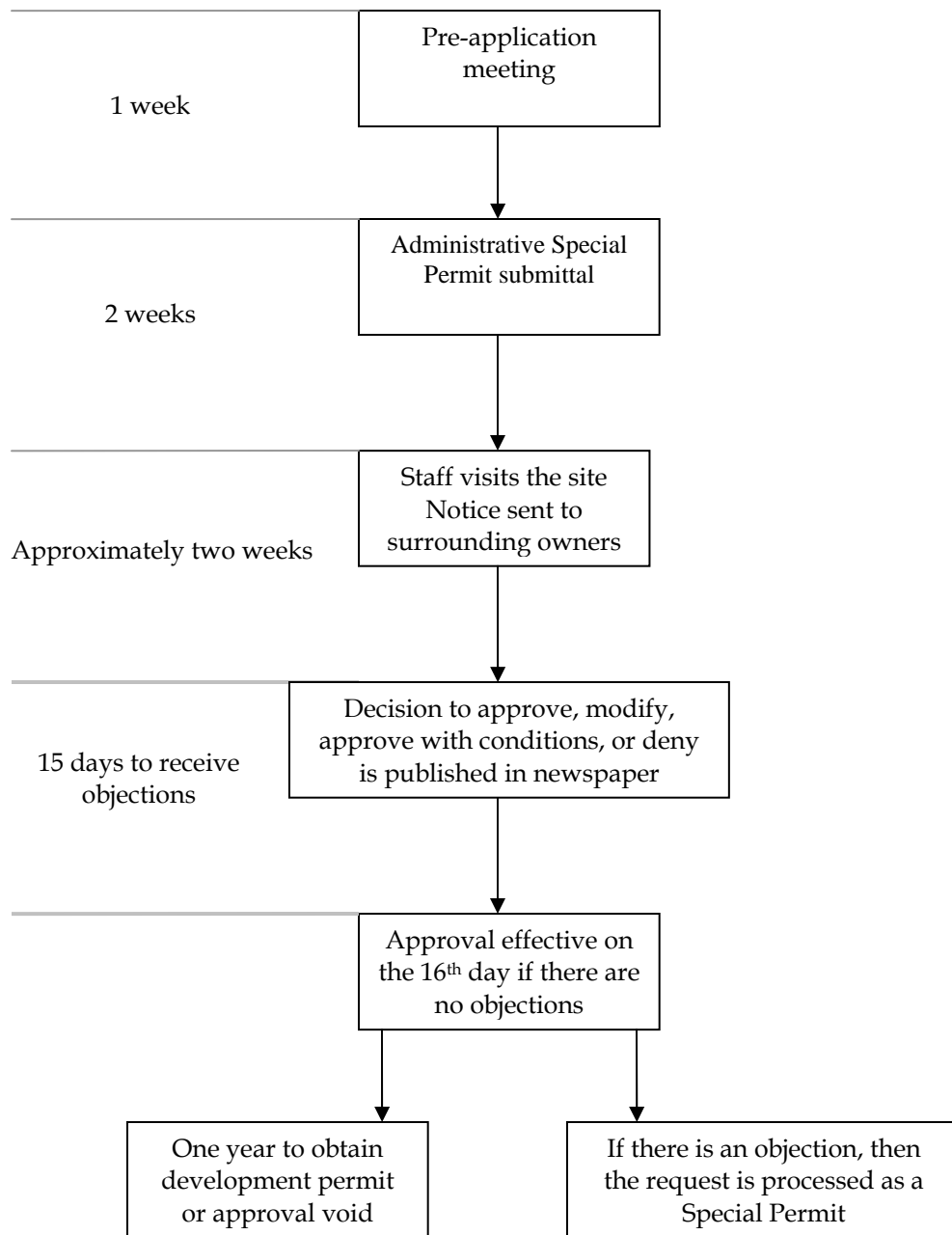
PRINT: _____

My Commission Expires:

My Commission Expires:

Timeline

Administrative Special Permit



Administrative Special Permit Application Checklist

All required information must be provided at the time of submittal unless otherwise noted. Incomplete applications are not acceptable under any circumstances.

1. Pre-application meeting with a planner.
 2. Original application form typed or neatly printed in ink, and notarized properly.
 3. Check made payable to the Town of Davie in the amount specified on the fee schedule.
 4. Copy of warranty deed or most recent tax bill.
 5. Justification letter that must address:
 - Reason for request
 - Review criteria of Section 12-308 (B) (3) of the Land Development Code
 6. Consent letter(s) from all abutting property owners.
 7. Two (2) full scale certified and sealed surveys dated within the last two (2) years with legal description of the entire property, including statement of amount of acreage involved.
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Often Asked Questions and Answers

Processing Time: Approximately six (6) to eight (8) weeks.

How Detailed should my justification letter be?

The justification letter should be structured and sufficiently detailed in order to better provide members of the staff with any specific information that may help to review and approve your petition. Your reason for the request should address the criteria used to evaluate it as specified in Land Development Code Section 12-308 (B) (3).

Chapter 12 of the Town of Davie Land Development Code
Section 12-308. Review for special permits.

(B) *Administrative Non-Use Special Permits.*

(1) Notwithstanding any provision to the contrary in Chapter 12 of the Code of Ordinances of the Town of Davie, the town administrator and/or his designee, upon application duly made, may, by written administrative decision, approve non-use special permit requests as provided for herein. For purposes of this section, a non-use special permit shall mean administrative approval for minor deviations from the provisions of the Code of Ordinances of the Town of Davie involving the following matters exclusively: Yard setback, building separations, height limitations, and number of parking spaces within the limitations expressly provided for herein. Requests for non-use special permits may only be approved in accordance with the guidelines set forth herein and provided they comply with the following limitations:

- (a) That the setback required for either principal or accessory buildings or structures is not reduced below ten (10) percent of that required by the Code.
- (b) That the spacing requirement between principal and accessory building is not reduced below ten (10) percent of that required by the Code.
- (c) That the height of a building or structure is not increased by more than ten (10) percent of that required by the Code.
- (d) That the number of parking spaces required is not reduced by more than twenty (20) percent of that required by the Code.

(2) The non-use special permits shall be granted upon findings by the town administrator and/or his designee that:

- (a) The non-use special permits will be in harmony with the general intent and purpose of the Code.
- (b) The non-use special permits will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (c) The proposed development resulting from the special permit is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent properties while affording the applicant a reasonable use of his land.
- (d) The non-use special permit is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof.
- (e) The non-use special permit will not adversely affect living conditions in the neighborhood or the town.

- (f) The non-use special permit will not create or excessively increase automobile and vehicular traffic congestion or otherwise affect public safety.
 - (g) The non-use special permit will not adversely affect surrounding property values.
 - (h) The non-use special permit will not be a deterrent to the improvement or development of other property in accord with existing regulations.
 - (i) The non-use special permit will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.
- (3) The application for an administrative non-use special permit shall be made by the fee owner of the property on a form prescribed by the Development Services Department and shall be submitted to the Development Services Department together with the processing fee as established by the town council and as amended from time to time and letters from all abutting property owners consenting to the changes requested in the application. The application shall reflect:
- (a) That the non-use special permit is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
 - (b) That the non-use special permit will not adversely affect living conditions in the neighborhood or the town;
 - (c) That the non-use special permit will not create or excessively increase automobile and vehicular traffic congestion or otherwise affect public safety;
 - (d) That the non-use special permit will not adversely affect surrounding property values;
 - (e) That the non-use special permit will not be a deterrent to the improvement or development of other property in accord with existing regulations;
 - (f) That the non-use special permit will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.
- (4) Upon receipt of the complete application for the non-use special permit, the town administrator and/or his designee, prior to making a decision, shall inspect or shall have a staff member of the Department inspect the subject property and its surrounding properties to determine what impact, if any, the proposed request will have on the area. Notification will be sent to all property owners within five hundred (500) feet of subject sites.
- (5) Upon receipt of all necessary information including a staff report of the visit to the subject property, the town administrator and/or his designee shall review the information and render a decision either approving, modifying, or denying the request. A copy of said decision shall be published in a local newspaper of general circulation. In granting any non-use special permit, the town administrator and/or his designee may prescribe any appropriate conditions and safeguards deemed necessary to protect and further the interest of the area and abutting properties, which may include, but not be limited to, the following:

- (a) Landscape materials, lighting, walls, and fences as required buffering.
- (b) Modifying the orientation of any openings, or access points.
- (c) Modifying site arrangements.

(6) The applicant, or any property owner within five hundred (500) feet of the subject property, may appeal the decision of the town administrator and/or his designee to the town council within fifteen (15) days from the date the decision is published. A non-use special permit shall not become effective until sixteen (16) days after the date the decision is published. All appeals hereunder shall be in a form prescribed by the town administrator and/or his designee consistent with section 12-312 and 12-313A.

(7) In the event that an applicant meets the technical requirements for an administrative non-use special permit, but objections are received by the Development Services Department at any time during the permitting process, or letters of consent from adjacent property owners are not provided to the Development Services Department, the request for the non-use special permit shall be processed as a standard special permit in accordance with section 12-390. There shall be no additional fee required for the additional processing.

(8) An applicant may withdraw an application at any time prior to a decision by the town administrator or his designee, upon written notification.

(9) Approval of a non-use special permit request by the town administrator or his designee shall become null and void unless a development order pursuant thereto is issued within twelve (12) months of the date of any such action by the town administrator or his designee.

(10) Non-use special permit approval shall be tied to the land and shall be transferable with transfer of title to the land.

(11) Whenever the town administrator or his designee has acted upon a non-use special permit for property, whether approved or denied and no appeal is filed by the applicant pursuant to paragraph (6) above, no further application for the same or any other special permit for any part or all of the same property shall be considered pursuant to section 12-308(A) or section 12-308(B) for a period of one (1) year from the date of the action. The above time limit may be waived by the town council, when the council deems such action necessary to prevent injustice or to facilitate the proper development of the town.

(Ord. No. 90-4, § 7, 2-21-90; Ord. No. 91-33, 9-4-91; Ord. No. 95-43, § 1, 12-6-95; Ord. No. 2000-12, § 3, 4-3-00)